

Exhibit 15

3505-16

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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IN RE: JUUL LABS, INC., MARKETING, :
SALES PRACTICES, AND PRODUCTS : No.
LIABILITY LITIGATION : 19-MD-02913-WHO
_____ :

REMOTE VIDEO-RECORDED

DEPOSITION OF QUARRY PAK 30(b)(6)

Volume II

October 15, 2021

Job No. 200907

Stenographically reported by:
LAURA AXELSEN, CSR NO. 6173
RMR, CCRR, CRR, CRC

1 supervision for the health and safety of our
2 students. The particular line items that do pertain
3 to the underage use of ENDS products were the
4 tobacco grants that we receive that go towards
5 staffing and programs and resources to provide
6 training and, uhm, supplies, like, pamphlets -- I
7 mean, I don't know if we order pamphlets anymore,
8 but pamphlets of any materials, posters, et cetera,
9 to have educational use in the schools.

10 Q. Did the tobacco program budgets identify
11 line items that distinguish between ENDS products
12 and other types of tobacco products?

13 A. No, it's all inclusive of tobacco products
14 including ENDS and nicotine.

15 Q. And combustible cigarettes?

16 A. Yes.

17 Q. The next topic is the time and resources
18 you have expended to address underage use of tobacco
19 products, alcohol, cannabis, and illegal drugs.
20 You've already talked about tobacco products. Am I
21 correct that the time and resources you have
22 expended to address underage use of tobacco products
23 would be reflected in the tobacco education grant
24 budgets?

25 A. Yes, and in addition to the School District

1 Q. Okay. And has the District ever
2 received -- or strike that.

3 Has the District ever requested funds
4 through the California Department of Justice's
5 Tobacco Grant Program?

6 A. Our San Francisco Department of Public
7 Health has applied and received these grants for the
8 activities that are described below. We have joined
9 as a sub-grantee as of this year.

10 Q. As of 2021?

11 A. I believe so, yes.

12 Q. Has the -- has the District ever applied
13 for its own grant through the California Department
14 of Justice Tobacco Grant Program?

15 MR. DOUGLAS: Object to form.

16 THE WITNESS: No, we have not. We have
17 partnered with the Department of Public Health, who
18 is the San Francisco grantee currently.

19 MR. OSBORNE: Q. Prior to this year, has
20 the District partnered with the Department of Public
21 Health?

22 A. We have an ongoing partnership with the
23 Department of Public Health.

24 Q. Ma'am, has -- prior to 2021, has the
25 District partnered with the San Francisco Department

1 funding for this time period.

2 Q. And would the District agree that the 4.2
3 million dollars that Los Angeles Unified School
4 District received from the California Department of
5 Justice in 2017-2018 grant program was significantly
6 greater than the entire budget for the TUPE program
7 in the District for the same year?

8 MR. DOUGLAS: Object to form.

9 THE WITNESS: Of course. Los Angeles
10 County has over 15 million people and San Francisco
11 County is much smaller. So any grant Los Angeles
12 receives is always so much bigger than any -- if you
13 can compare the San Francisco amount, 1.8, to the
14 amount that Los Angeles received -- and if you
15 notice Los Angeles County Department of Public
16 Health did not receive any funds that I can see.

17 So I just really want to caution you
18 comparing Los Angeles to San Francisco. A lot of
19 people don't like that. L.A. people and San
20 Francisco people don't like that, especially after
21 last night.

22 MR. OSBORNE: Q. Ma'am, ma'am, so --

23 A. At the same time --

24 Q. So Los Angeles Unified School District
25 applied and received 4.2 million dollars for this

1 A. Signage in particular, yes.

2 Q. All right. All right. City of Chino Hills
3 received \$95,818. It says that it's -- in the
4 second clause of its -- so summary of award it
5 states it will conduct a tobacco law education
6 campaign for retailers and make educational
7 presentations in schools. Does the District conduct
8 educational presentations in schools?

9 A. Yes.

10 Q. Would additional funding be helpful to make
11 more educational presentations in District schools?

12 MR. DOUGLAS: Object to form.

13 THE WITNESS: Yes, and we partner with the
14 Department of Public Health to do so.

15 MR. OSBORNE: Q. And does the District
16 need additional funding with respect to making
17 educational presentations in school?

18 A. Yes, we need additional funding for all
19 functions of the School District.

20 Q. So if you need additional funding, why did
21 you not apply for funding from the tobacco grant
22 program from the California Department of Justice?

23 MR. DOUGLAS: Object to form. And now
24 we've --

25 THE WITNESS: I've answered this question

1 before.

2 MR. OSBORNE: Mr. Douglas, are you
3 instructing the witness not to answer?

4 MR. DOUGLAS: No, I'm asking you to quit
5 asking the same question over and over.

6 MR. OSBORNE: Thanks. Ms. Pak, would you
7 please answer the question.

8 THE WITNESS: I stated earlier we did not
9 apply due to the lack -- we don't -- our scope of
10 work is not to work with retailers. And we don't
11 purchase vaping devices, and we don't fund police
12 officers. And that was our knowledge at the time.

13 MR. OSBORNE: Q. But you do make
14 educational presentations in schools, right?

15 MR. DOUGLAS: Object to form.

16 THE WITNESS: Yes, we do make educational
17 presentations in schools.

18 MR. OSBORNE: Q. So why did the District
19 not apply for funds to make educational
20 presentations in schools through the California DOJ
21 funding program?

22 A. We did not see that the items that were
23 suggested by the Department of Public Health to
24 apply for this grant were worthwhile or relevant to
25 our scope of work. I stated this earlier, from our

1 knowledge of before and the knowledge of what other
2 counties were doing. It's not our role to enforce
3 the tobacco policies in San Francisco with the
4 retailers. We leave that to the Department of
5 Public Health. And so the education campaign for
6 the retailers and the schools, that was a newer
7 addition to the program that we did not -- we were
8 not aware of at the time.

9 Q. The e-mail that I -- we talked about before
10 was from 2019 --

11 A. Yes.

12 Q. This grant award chart is from 2017 and
13 2018.

14 A. Yeah, we were not aware of this at the
15 time.

16 Q. Okay.

17 A. I believe the grant started in 2017 as
18 stated in the website and everything like that. So
19 this was a new grant at this time. This is the
20 first round of grantees.

21 Q. Right. And your testimony on behalf of the
22 District is the District wasn't aware of the
23 available uses of funding in 2017 and '18; is that
24 right?

25 A. I do not recall. I don't think that we

1 were aware. We might have become aware of it in the
2 Fall of 2018 at a, uhm, California Department of
3 Education Tobacco Use Prevention Education
4 coordinators meeting.

5 MR. OSBORNE: Okay. Ms. Diamond, could we
6 please go to, uhm, the next exhibit, Exhibit 22.

7 (EXHIBIT 22 WAS MARKED FOR IDENTIFICATION.)

8 THE WITNESS: I have to say we were not
9 invited by the Department of Public Health to apply
10 in 2017 with them.

11 MR. OSBORNE: Q. So you make that point,
12 but couldn't the District have applied on its own in
13 2017?

14 A. We were not aware of this program, that I
15 know of.

16 Q. I need to clarify when you say "that you
17 know of," are you talking about your own personal
18 knowledge or the District's knowledge?

19 A. The District's knowledge.

20 Q. Okay. Exhibit 22 is the California
21 Department of Justice Tobacco Grant Program 2018 to
22 2019 list of applicants, awards, and summaries of
23 awards. And am I correct that the District did not
24 apply for a grant in this grant cycle either?

25 A. We did not.

1 Q. Okay. So Butte County Office of Education
2 was awarded 1,638 -- \$1,638,459. Do you see that?

3 A. Yes.

4 Q. And they applied their funds toward
5 increasing awareness of tobacco and emerging
6 products. Is that a use of funds that would have
7 been beneficial to the District in the 2018-2019
8 school year?

9 MR. DOUGLAS: Object to form.

10 THE WITNESS: Uhm, I need to take a break.
11 There's someone knocking on the door. Sorry. Hold
12 on.

13 MR. OSBORNE: Go off the record again.

14 VIDEOGRAPHER: We are off the record at
15 2:00 p.m.

16 (The deposition was in recess from 2:00 to
17 2:04.)

18 VIDEOGRAPHER: We are on the record at
19 2:04 p.m.

20 MR. OSBORNE: Ms. Axelsen, could you please
21 read back the last question?

22 (Record read by the reporter:

23 "QUESTION: And they applied their funds
24 toward increasing awareness of tobacco and
25 emerging products. Is that a use of funds

1 that would have been beneficial to the
2 District in the 2018-2019 school year?")

3 MR. DOUGLAS: Object to form.

4 THE WITNESS: Districts that would, like,
5 do that -- any additional resources is beneficial,
6 yes.

7 MR. OSBORNE: Q. Okay. And the award for
8 Butte was approximately 1.6 million. Would an
9 additional 1.6 million in funding have been
10 beneficial for the District in 2018-2019 school
11 year?

12 MR. DOUGLAS: Object to form.

13 THE WITNESS: Yes.

14 MR. OSBORNE: Q. The Chico Unified School
15 District applied and received approximately
16 \$1.2 million. Do you see that?

17 A. Yes.

18 Q. And among their uses of the funds were
19 increasing campus supervision. Would increasing
20 campus supervision have been beneficial to the
21 District in its efforts to respond to underage
22 vaping in 2018-2019?

23 MR. DOUGLAS: Object to form.

24 THE WITNESS: Can you repeat the question?
25 I'm sorry.

1 MR. OSBORNE: Q. Would increasing campus
2 supervision have been beneficial to the District as
3 it responded to underage vaping on campus during the
4 2018-2019 school year?

5 MR. DOUGLAS: Object to form.

6 THE WITNESS: Yes.

7 MR. OSBORNE: Q. The next -- later in the
8 same summary of award it states, "Providing monthly
9 trainings on tobacco-related issues to sworn
10 personnel, staff, students, and parents."

11 We understand the District's position on
12 sworn law enforcement on campus. Would providing
13 monthly trainings on tobacco-related issues to staff
14 been a beneficial use of additional resources in
15 District during the 2018-2019 school year?

16 MR. DOUGLAS: Object to form.

17 THE WITNESS: Yes.

18 MR. OSBORNE: Would providing monthly
19 trainings on tobacco-related issues to students and
20 parents been a beneficial use of additional
21 resources during the 2018-2019 school year?

22 MR. DOUGLAS: Object to form.

23 THE WITNESS: Yes.

24 MR. OSBORNE: Q. The Oroville City
25 Elementary School District received \$424,240. Do

1 you see that?

2 A. Yes.

3 Q. Would an additional \$424,240 been a
4 beneficial increase in the funding for the District
5 in the 2018-2019 school year as it relates to
6 underage use of vapor products?

7 MR. DOUGLAS: Object to form.

8 THE WITNESS: Yes.

9 MR. OSBORNE: Q. And the Oroville City
10 Elementary School District in part implemented a
11 tobacco prevention program for 4th through 8th
12 grade students. Would that have been a beneficial
13 use of resources for the District in the 2018-2019
14 school year?

15 MR. DOUGLAS: Object to form.

16 THE WITNESS: Yes.

17 MR. OSBORNE: Q. The Central Unified
18 School District received \$728,268. Do you see that?

19 A. Yes.

20 Q. And one of the uses of their award was to
21 conduct staff and parent training to improve the
22 ability to recognize newer models of e-cigarette and
23 vaping devices. Do you see that?

24 A. Yes.

25 Q. Would conducting staff and parent training

1 to improve the ability to recognize newer models of
2 the e-cigarette and vaping devices been a beneficial
3 use of additional resources by the District during
4 the 2018-2019 school year?

5 MR. DOUGLAS: Object to form.

6 THE WITNESS: Yes.

7 MR. OSBORNE: Q. The City of Eureka
8 Community Services Department received \$281,195. Do
9 you see that?

10 A. Yes.

11 Q. And one of the -- the summaries of their
12 award says, "Produce a quality grade educational
13 T.V. campaign and create a new educational poster to
14 be featured throughout the city focusing on health
15 and how to identify and report violations."

16 Would producing a quality-grade educational
17 T.V. campaign have been beneficial use of additional
18 resources in the District during the 2018-2019
19 school year?

20 MR. DOUGLAS: Object to form.

21 THE WITNESS: I'm not sure. I don't know
22 enough about this educational T.V. campaign.

23 MR. OSBORNE: Q. Does the District have
24 any T.V. campaigns as it relates to tobacco products
25 or ENDS usage in the District?

1 A. We do not.

2 Q. Has the District ever considered having
3 one?

4 A. No, I think the T.V. campaign -- I'm not
5 sure how effective it would be. The District does
6 not know how effective that would be to reach the
7 community or our students. We did have a television
8 program during distance learning. So I think that
9 was when we determined that T.V. media -- it was a
10 YouTube channel and public television show -- would
11 be effective during distance learning. But we
12 don't -- we don't know about the quality of or the
13 effectiveness of that in particular.

14 So I can't speak to that because we don't
15 have experience doing that other than during
16 business learning and having instruction for younger
17 grades. So the objective for the distance learning
18 T.V. program was really for, like, kindergarten to
19 second grade focus. So that's why I'm like -- I'm
20 not sure because obviously K to 2 is a different
21 content. Uhm, it's very, like, colors and, like,
22 you know, basic education because they can't do,
23 like, computer stuff. And they won't, you know,
24 necessarily have cell phones and things like that.
25 So social media wouldn't apply to them.

1 So that's why we have a T.V. campaign so we
2 use a -- like, different modes to reach different
3 age groups.

4 Q. Okay. Ms. Diamond, could you jump down to
5 page 9 of this exhibit. The Solano County Office of
6 Education received approximately \$1.2 million. Do
7 you see that?

8 A. Yes.

9 Q. And one of the summaries of their awards
10 states, "In addition, the Office of Education will
11 provide tobacco cessation, intervention, and support
12 services for students to quit smoking and install
13 signage at schools and youth-centered events."

14 I want to break that apart a bit. Would
15 providing tobacco cessation, intervention, and
16 support services be a beneficial use of funding in
17 the District in 2018-2019? Should it -- would it
18 have been able to get -- should the District have
19 been able to get increased funding? Would providing
20 tobacco cessation, intervention, and support
21 services for students to quit smoking have been a
22 beneficial use of those funds in the District in the
23 2018-2019 school year?

24 MR. DOUGLAS: Object to form.

25 THE WITNESS: Yes.